

## **BILL ANALYSIS**

Senate Research Center

S.B. 1910  
By: Hegar  
Intergovernmental Relations  
7/26/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1910 creates a conservation and reclamation district to be known as Fulshear Municipal Utility District No. 3 (district). The district will encompass approximately 1,354 acres in Fort Bend County, Texas. The land to be located within the district will be developed into single family residential and commercial development; therefore, water, sewer, drainage services, and roads need to be secured. It is necessary to create the district under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, and Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. It is also necessary to empower the district with authority to impose a tax and issue bonds, and grant the power of eminent domain.

S.B. 1910 amends current law relating to the creation of the Fulshear Municipal Utility District No. 3 and the Fort Bend County Municipal Utility District No. 184, provides the authority to impose taxes and issue bonds, and grants a limited power of eminent domain.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 8487, as follows:

#### CHAPTER 8487. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3

Sets forth standard language for the creation of the Fulshear County Municipal Utility District No. 3 in Fort Bend County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the Fulshear County Municipal Utility District No. 3 (Sections 8487.001-8487.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8487.051-8487.052);

Powers and duties of the Fulshear County Municipal Utility District No. 3 (Sections 8487.101-8487.106); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the Fulshear County Municipal Utility District No. 3 (Sections 8487.151-8487.203).

SECTION 2. Sets forth the initial boundaries of the Fulshear County Municipal Utility District No. 3.

SECTION 3. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 8446, as follows:

CHAPTER 8446. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 184

Sets forth standard language for the creation of the Fort Bend County Municipal Utility District No. 184 in Fort Bend County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the Fort Bend County Municipal Utility District No. 184 (Sections 8446.001-8446.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8446.051-8446.052);

Powers and duties of the Fort Bend County Municipal Utility District No. 184 (Sections 8446.101-8446.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the Fort Bend County Municipal Utility District No. 184 (Sections 8446.151-8446.203).

SECTION 4. Sets forth the initial boundaries of the Fort Bend County Municipal Utility District No. 184.

SECTION 5. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. (a) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8487, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8487.107, as follows:

Sec. 8487.107. NO EMINENT DOMAIN POWER. Prohibits the Fulshear County Municipal Utility District No. 3 from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 7. (a) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8446, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8446.106, as follows:

Sec. 8446.106. NO EMINENT DOMAIN POWER. Prohibits the Fort Bend County Municipal Utility District No. 184 from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 8. Effective date: upon passage or September 1, 2013.